

**Notice of Allowability**

Application No.

09/229,283

Examiner

Susan Ungar

Applicant(s)

FISCHER, DAVID E.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to May 7, 2007.
2. ☐ The allowed claim(s) is/are 4, 14, 16-17, 21, now renumbered 3, 1, 4, 5, 2, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

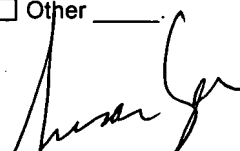
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_
- SUSAN UNGAR, PH.D.  
PRIMARY EXAMINER

  
Susan Ungar  
Primary Examiner  
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1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2. The Amendment filed May 7, 2007 in response to the Office Action of January 16, 2007 is acknowledged and has been entered. Previously pending claims 1, 13, 18-20, 22-23 were canceled and claims 16 and 17 were amended. Claims 4, 14, 16-17, 21 currently under prosecution.

3. The application has been amended as follows:

In the claims:

Claim 14 was amended as follows:

14. (CURRENTLY AMENDED). A method for screening for melanoma using immunohistochemistry to determine whether melanocyte

microphthalmia (Mi) is expressed which comprises:

(a) contacting in vitro a biological specimen containing malignant cells with a monoclonal antibody that selectively binds to an epitope in the N-terminus

Taq-Sac fragment of human melanocyte Mi; and

(c) determining whether melanocyte Mi is being expressed in the specimen

by the binding of the antibody to melanocyte Mi, wherein the expression of melanocyte Mi in a malignant cell is indicative of melanoma.

Claim 17 was amended as follows:

17. (CURRENTLY AMENDED) The method of claim 14 or 21, wherein the antibody is used to determine where in the malignant cell ~~the~~ said Mi is expressed.

Claim 21 was amended as follows:

21. (CURRENTLY AMENDED) A method for screening for melanoma using immunohistochemistry to determine whether melanocyte microphthalmia (Mi) is expressed which comprises:

(a) contacting in vitro a biological specimen containing malignant cells with an antibody raised against peptides comprising regions of human melanocyte microphthalmia (Mi) ~~unique to human Mi~~ that selectively binds human melanocyte Mi: and

(b) determining whether melanocyte Mi is being expressed in the specimen by the binding of the antibody to melanocyte Mi. wherein the expression of melanocyte Mi in a malignant cell is indicative of melanoma, wherein the antibody is a monoclonal antibody and wherein the antibody is generated

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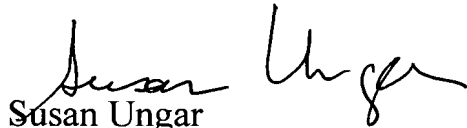
using an epitope in the N-terminus Taq-Sac fragment of human melanocyte  
Mi.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Ron Eisenstein on August 1, 2007.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley, can be reached at 571-272-0898. The fax phone number for this Art Unit is (571) 273-8300.



Susan Ungar  
Primary Patent Examiner  
August 3, 1007